

REMARKS

Claims 1-3 were pending in the application. In the Office Action dated March 21, 2007, the claims were rejected under 35 U.S.C. §§ 101, 102(b), and 112 ¶ 2. In addition, a new oath/declaration was required since the one filed was not done in accordance with 37 CFR 1.66.

A new declaration is filed along with this amendment.

Claims 1-3 have been cancelled, and claims 4 through 23 added. Independent claims 4, 10, and 16 replace claims 1 and 2.

Applicants respectfully submit that the wording of claims 4 through 23 conform to 35 U.S.C. § 101 and § 112 ¶ 2 and therefore request that the rejection of the claims on those grounds be withdrawn. Independent claim 4 claims a “*computer implemented system for categorizing email*”. It is statutory subject matter since it clearly claims a hardware device. Independent claim 10 claims “*A method of automatically categorizing email*”. Again, this is statutory since it involves a process that is implemented on computers. Finally, independent claim 16 is to “*A computer readable storage medium*” containing computer instructions for practicing the invention. A computer readable storage medium is by necessity a tangible medium, and therefore is statutory subject matter. Indeed, this is a classic *in re Beauregard* type claim. All the other claims are dependent upon these three independent claims, and are therefore also statutory subject matter.

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nemovicher (Pub. No. US 2002/0007453 A1). As to claim 1, it was suggested that *Nemovicher discloses method for degrees of separation and web of relationship for delivery or categorization of email (Fig. 3 [0060])*. However, paragraph 0060 states:

[0060] Once the verified e-mail message is digitally signed by secure mail server 80 and repackaged, it is re-sent to the recipient through communication network 130. Examples of various types of recipients are shown in FIG. 3 as subscriber recipient 410, 420 and non-subscriber recipient 430. Subscriber recipient 410 is an example of a recipient of a mentioned above, a secure mail system according to the present invention supports several popular e-mail software and hardware platforms. This support feature potentially provides the sender and recipient with increased functionality for transferring e-mail messages.

It can thus be seen that this reference does not mention “degrees of separation” nor “web of relationship”. Similarly, it was suggested that as to claim 2, *Nemovicher discloses specific email server and client plug-ins to be developed to support degrees of separation and web of relationship (FIG. 12 [0093])*. However, paragraph 0093 states:

[0093] Referring now to FIG. 12, a process for transmission of secure mail system package 901 to subscriber recipient 420 that uses a web based or unsupported e-mail system is shown. Secure mail system package 901 as assembled by secure mail system server 80 is transferred to mail server 50 for transmission to subscriber recipient 420 over communication network 130. The user at subscriber recipient 420 is notified of the arrival of a new e-mail in their inbox, and can select the message for viewing. Upon selection, resident secure mail system software executes to retrieve and unpack the contents of secure mail system package 901. A private key obtained from subscriber recipient 420 is used to decrypt encrypted random symmetrical one time key 905. Once the random symmetrical one time key is unencrypted, encrypted expanded reformatted message 903 and encrypted secure mail system public key 907 can both be unencrypted using the random symmetrical one time key. The unencrypted expanded reformatted message has a hashing algorithm applied to produce a digital hash code. The secure mail system public key is combined with the digital hash code to verify secure mail system digital signature 911. If secure mail system digital signature 911 cannot be verified, an error message is generated and processing of secure mail system package 901 ceases. Otherwise, secure mail system digital signature 911 is validated and the expanded reformatted message is displayed to the user of subscriber recipient 420. Again, it is possible to send a return receipt to the message sender at sending computer 400, communicating that the message was properly received and read, or that an error occurred in transmission from mail server 50 to subscriber recipient 420. The return receipt message can be in the form of an e-mail transmitted to the sender at sending computer 400, in a process reverse to that described for sending of the original e-mail message, i.e., via secure mail server 80.

It can thus be seen that this reference does not mention “degrees of separation” nor “web of relationship” nor “email server” or “client plug-in”. Since the cited reference does not disclose the claimed invention, Applicants respectfully suggest

that the rejection of these claims for anticipation is inappropriate and request that it be withdrawn.

Note also though that the newly added claims require that 1) a web of relationship be determined, 2) from the web of relationships, degrees of separation be calculated, and 3) the relationship between sender and receiver be categorized based on the degrees of separation. None of the cited references contain all these elements.

Also note that the Nemovicher reference utilizes encryption in a very different way than is used in the present invention. Nemovicher utilizes encryption to encrypt email. The present invention may do that also, but here it is used for identification purposes. This is a fundamental difference in the usage of this feature.

The remainder of the claims are dependent upon claims 4, 10, and 16, and should therefore also be allowable.

No new matter has been added by this Amendment, since all newly submitted claims are supported by the specification as originally filed.

Applicants respectfully requests that this Amendment be entered. All claims should be allowable. Applicants further respectfully requests that a timely Notice of Allowance be issued in this case.

Date: June 20, 2007

Respectfully submitted,
Robert LeLonde, et al.

A handwritten signature in black ink, reading "Bruce E. Hayden" with a small trademark symbol (TM) at the end.

Bruce E. Hayden
Attorney for Applicants
Registration No. 35,539
Telephone No.
FAX No.